

ESTTA Tracking number: **ESTTA224180**

Filing date: **07/15/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Wyeth Holdings Corporation
Granted to Date of previous extension	07/16/2008
Address	Five Giralda Farms Madison, NJ 07940 UNITED STATES
Attorney information	David H. McDonald Wyeth Five Giralda Farms Madison, NJ 07940 UNITED STATES mcdonad5@wyeth.com Phone:973-660-5746

### Applicant Information

Application No	77293549	Publication date	03/18/2008
Opposition Filing Date	07/15/2008	Opposition Period Ends	07/16/2008
Applicant	Resveratrol Partners, LLC Suite 117 457 W. Allen Avenue San Dimas, CA 91773 UNITED STATES		

### Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: Dietary Supplements
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1115936	Application Date	08/11/1978
Registration Date	04/03/1979	Foreign Priority Date	NONE
Word Mark	CENTRUM		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 1978/07/07 First Use In Commerce: 1978/07/07 VITAMIN-MINERAL PREPARATION

U.S. Registration No.	1883293	Application Date	12/30/1993
Registration Date	03/14/1995	Foreign Priority Date	NONE
Word Mark	CENTRUM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1978/07/07 First Use In Commerce: 1978/07/07 nutritional and dietary supplements		

U.S. Registration No.	3228848	Application Date	09/09/2005
Registration Date	04/10/2007	Foreign Priority Date	NONE
Word Mark	CENTRUM CARDIO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2005/09/10 First Use In Commerce: 2005/09/10 dietary and nutritional supplements		

U.S. Registration No.	2358143	Application Date	10/31/1997
Registration Date	06/13/2000	Foreign Priority Date	NONE
Word Mark	CENTRUM KIDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 DIETARY AND NUTRITIONAL SUPPLEMENTS		

U.S. Registration No.	2450024	Application Date	07/23/1999
Registration Date	05/08/2001	Foreign Priority Date	NONE
Word Mark	CENTRUM PERFORMANCE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1999/12/00 First Use In Commerce: 1999/12/00 DIETARY AND NUTRITIONAL SUPPLEMENTS		

Related Proceedings	Notice of Opposition also being filed today against Serial No. 77/293557 for the mark II CENTURY.
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Attachments	78710074#TMSN.jpeg ( 1 page )( bytes ) 75382445#TMSN.gif ( 1 page )( bytes ) 75758692#TMSN.gif ( 1 page )( bytes ) SECOND CENTURY.PDF ( 4 pages )(105833 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/David H. McDonald/
Name	David H. McDonald
Date	07/15/2008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial Number 77/293549  
Published in the Official Gazette on March 18, 2008

WYETH HOLDINGS CORPORATION	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No:
	:	
RESVERATROL PARTNERS, LLC	:	:
	:	
Applicant.	:	
	:	

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**

Wyeth Holdings Corporation (“Wyeth” or “Opposer”), a corporation duly organized and existing under the laws of the State of Maine with its principal place of business at Five Giralda Farms, Madison, New Jersey 07940, believes that it will be damaged by the registration of Trademark Application Serial No. 77/293549 (“Applicant’s Mark”) in International Class 5 and, pursuant to Section 13 of the Trademark Act of July 5, 1946, as amended, 15 U.S.C. §1063 and

Rule 2.101 of the Trademark Rules of Practice, hereby opposes the registration of Applicant's Mark for the goods claimed in International Class 5.

Wyeth has obtained the necessary extensions of time to file this Notice of Opposition and such Notice is timely made.

As grounds for opposition, it is alleged that:

1. Wyeth, and its affiliated and predecessor companies, are now, and for many years has been, engaged in the manufacture, distribution and sale of a wide variety of consumer healthcare products, including dietary supplement products. Wyeth's products are sold in commerce throughout the United States.

2. Wyeth is the owner of U.S. Trademark Registration No. 1115936 registered on April 3, 1979, for CENTRUM, for a "vitamin-mineral preparation" in Class 5. This registration is currently in full force and effect.

3. Wyeth is the owner of U.S. Trademark Registration No. 1883293 registered on March 14, 1995, for CENTRUM, for "nutritional and dietary supplements" in Class 5. This registration is currently in full force and effect.

4. Wyeth is the owner of numerous other marks used and/or registered in combination with CENTRUM including, but not limited to, the following:

- a. U.S. Trademark Registration No. 3228848, registered on April 10, 2007, for CENTRUM CARDIO, for "dietary and nutritional supplements" in Class 5. This registration is currently in full force and effect.

- b. U.S. Trademark Registration No. 2358143, registered on June 13, 2000, for CENTRUM KIDS, for "dietary and nutritional supplements" in Class 5. This registration is currently in full force and effect.
- c. U.S. Trademark Registration No. 2450024, registered on May 8, 2001, for CENTRUM PERFORMANCE, for "dietary and nutritional supplements" in Class 5. This registration is currently in full force and effect.

5. By virtue of the lengthy and widespread use of the CENTRUM mark, the CENTRUM mark has become famous.

6. As evidenced by publication in the Official Gazette dated March 18, 2008, Applicant seeks to register SECOND CENTURY for the following goods: "Dietary supplements, in international class 5."

7. Applicant's mark so resembles Wyeth's previously used and registered marks that it is likely to cause confusion, to cause mistake or to deceive under Trademark Act Section 2(d), 15 U.S.C. §1052(d), with consequent injury to Wyeth, the consuming public and the trade.

8. Additionally, Applicant's mark, when used in connection with its recited goods, is likely to cause dilution of the distinctive quality of Wyeth's famous CENTRUM mark under Trademark Act Section 2(f), 15 U.S.C. §1052(f).

WHEREFORE, Wyeth prays that this opposition be sustained and that Application Serial No. 77/293549 be denied registration.


Please recognize David H. McDonald and Bret I. Parker, both members of the Bar of the State of New York, as the attorneys for Opposer Wyeth in this proceeding. It is further requested that all correspondence relating thereto be addressed to David H. McDonald, Trademark and

Copyright Counsel, Five Giralda Farms, Madison, New Jersey 07940, (email: [mcdonad5@wyeth.com](mailto:mcdonad5@wyeth.com)).

Wyeth requests that the requisite opposition fee be charged to Deposit Account No. 01-1300 of Wyeth.

Dated: July 15, 2008

WYETH HOLDINGS CORPORATION



DAVID H. MCDONALD

Attorney for Opposer

Five Giralda Farms

Madison, New Jersey 07940

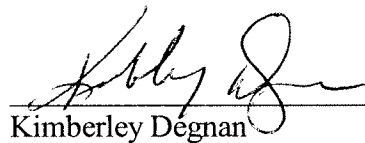
Telephone: (973) 660-5746

Facsimile: (973) 660-7978

**CERTIFICATE OF SERVICE**

I, Kimberley Degnan, hereby certify that a copy of this opposition was sent via first class mail on July 15, 2008 to the following Attorney of Record:

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EDEL, SHAPIRO & FINNAN, LLC  
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Kimberley Degnan